

## ADMINISTRATIVE PROVISIONS

### Appropriation Language

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Appropriations for the National Park Service shall be available for the purchase of not to exceed[ 245]233 passenger motor vehicles, of which[ 199]193 shall be for replacement only, including not to exceed [193 ]190 for police-type use, [10 ]11 buses, and [8 ]6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project[: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest].

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers that the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, [to] misinterprets or [misapply] *misapplies* relevant contractual requirements or their underlying legal authority, *then* the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims. *This Court*[, and that court] may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability. (Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.)

### Justification of Major Proposed Changes

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1. Deletion: "*Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest"

This language is permanent and therefore no longer necessary.

### Appropriation Language Citations

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1. Appropriations for the National Park Service shall be available for the purchase of not to exceed 233 passenger motor vehicles, of which shall be for replacement only, including not to exceed 190 for police-type use, 11 buses, and 6 ambulances:

**31 U.S.C. 1343** provides that, "An appropriation may be expended to buy or lease passenger motor vehicles only ... as specifically provided by law."

2. None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

**No specific authority.** This restrictive language was added by Congress in the appropriation language for FY 1996 and has been included for each year since then.

3. The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

**No specific authority.** This language is to allow the National Park Service flexibility in the management of its program to improve workplace safety and reduce the costs of compensation claims to the Employee's Compensation Fund.